

UNITED STATES DISTRICT COURT

FILED

July 19, 2024

for the

Southern District of Texas



Nathan Ochsner, Clerk of Court

United States of America

v.

Joshua Jerome Finney

Case No.

4:24-mj-321

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 12, 2022-Feb. 16, 2023 in the county of Harris in theSouthern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

Title 18 USC 2252A(a)(2)(B)

Receipt of Child Pornography

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.*Complainant's signature*

Rebecca Camara, Special Agent

Printed name and title

Sworn to before me and signed by telephone *

Date: 07/19/2024*Judge's signature*City and state: Houston, Texas

Christina A. Bryan, US Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN THE MATTER OF:

Joshua Jerome Finney

§
§

Case No. **4:24-mj-321**

AFFIDAVIT IN SUPPORT OF APPLICATION

I, Rebecca Camara, being duly sworn, deposes and states:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI). I have been a Special Agent of the FBI since March 2016. I am charged with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party in interest, and performing other duties imposed by law. I have participated in cases involving child pornography and the sexual exploitation of children. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography as defined in Title 18, United States Code, Section 2256, is:

"any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where - (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; . . . [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct." For conduct occurring after April 30, 2003, the definition also includes "(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from that of a minor engaging in sexually explicit conduct."

2. This Affidavit is made in support of a criminal complaint charging Joshua Jerome Finney with violating Title 18 U.S.C. § 2252A (a)(2)(B) - receipt of child pornography. I am familiar with the information contained in this Affidavit based upon the investigation I have personally conducted and my conversations with other law enforcement officers

involved in this investigation, or who have engaged in numerous investigations involving child pornography.

3. Because this Affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation, I have set forth only those facts that I believe are necessary to establish probable cause that evidence of a violation of Title 18 U.S.C. § 2252A (a)(2)(B) has been committed by Joshua Jerome Finney on or about March 12, 2022 to on or about February 16, 2023. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part.
4. On or around December 6, 2023, the Australian Centre to Counter Child Exploitation (ACCCE) provided the FBI with a series of Child Sexual Abuse Material (CSAM) pertaining to the ongoing exploitation of a private, by invitation only, forum on the dark web. The ACCCE provided four videos which were posted/uploaded by the same partially identified user.
5. On or around December 7, 2023, FBI Headquarters contacted FBI Houston in regards to the aforementioned matter. Through interviews FBI Houston identified Arthur Hector Fernandez III as one of the individuals that produced the videos. On or about December 18, 2023, Fernandez was arrested on a criminal complaint in violation of 18 USC 2251 – Sexual Exploitation of Children. On or about January 11, 2024, Fernandez was indicted on two counts of 18 USC 2251 – Sexual Exploitation of Children.
6. On or around December 14, 2023, an administrative subpoena was served to Apple, Inc., for the iCloud account: Arthurhector61@icloud.com. According to data received from Apple Inc., the account was created on January 5, 2022, and the subscriber was Arthur Fernandez.
7. On or about February 23, 2024, FBI Houston obtained a search warrant for Fernandez's iCloud account, arthurhector61@icloud.com. Upon reviewing the iCloud search warrant return, text messages between telephone number 575-519-0723 and Fernandez were observed. Description of the conversations are below:
8. On March 12, 2022, Fernandez received a text message from the user of 575-519-0723 indicating they had just exchanged telephone numbers. The user of 575-519-0723 invited Fernandez to his residence at 3225 Hurley Street. Fernandez asked the user of 575-519-

0723 if he had videos “Of u and Yng or of others” to which the user of 575-519-0723 stated “Others u” to which Fernandez replied “Same.”

9. On March 14, 2022, Fernandez sent the user of 575-519-0723 a text message stating “U ever had a Yng” to which the user of 575-519-0723 stated “Yes u.” When Fernandez asked the age, the user of 575-519-0723 stated “13 u” to which Fernandez replied “13 and under.” When asked when the last time, Fernandez replied “Last night” and “My cuzzin son I jacked off over him.” Fernandez included a photograph depicting an adult male with a semi-erect penis standing over a male approximately 12 to 14 years old asleep on a brown leather couch. Fernandez continued the conversation stating “A guy watched me,” “All over his face.” Fernandez stated the young male was asleep during the event. When asked about the last time before that, Fernandez replied last month when he “Fucked him too.”
10. On March 15, 2022, Fernandez sent the user of 575-519-0723 a photograph depicting a young male, approximately two to four years old, wearing a red shirt and jeans (66908774940__22CC69EB-B61C-4E2C-A259-810EFEE0214C.HEIC). The user of 575-519-0723 asked Fernandez who the photograph was of, to which Fernandez replied “The boy I fucked when he was 8 month.” Fernandez sent another photograph of the toddler (66908860416__C1CE6360-57B5-4123-AA00-DA5A82E0E72D.HEIC). When asked what he did, Fernandez stated “Fucked him.”
11. On March 16, 2022, the user of 575-519-0723 asked Fernandez “Did u do anything wit him” which Fernandez stated he had. Fernandez then sent the user of 575-519-0723 a one minute 31 second video depicting an adult male masturbating behind a young child, approximately two to four years old wearing a red shirt. The recording was on a FaceTime call by “Art” to an unidentified individual (8393756634267901495.MP4).
12. On April 15, 2022, Fernandez stated “I want a threesm with a boy” to which the user of 575-519-0723 stated “Lets find one.” When asked how old, Fernandez replied 13. Fernandez then sent the user of 575-519-0723 a one minute, three second video depicting a male between the ages of 14 and 16 engaging in oral sex with an adult male (IMG_1014.MOV). Fernandez stated he last fucked him a month ago. Fernandez sent another video to the user of 575-519-0723 depicting an adult male anally penetrating a boy approximately 14 to 16 years old. Toward the end of that video, the adult male can be seen offering the boy a bottle of Rush which is a nitrite popper sold online or in adult novelty

stores which increase or enhance sexual experiences (IMG_1018). Fernandez stated he met the boy on the website Sniffies. The user of 575-519-0723 stated this would be the first time he had sex with a boy. The user of 575-519-0723 stated that he had a 16 year old back home that he met online.

13. On April 16, 2022, Fernandez sent the user of 575-519-0723 a photograph depicting a boy, approximately 14 to 16. Fernandez states he is going to get him and then texted "Here.", indicating Fernandez had brought the boy to user of 575-519-0723 address at the time.
14. On April 21, 2022, Fernandez stated he was with a 15 year old. On May 4, 2022, the user of 575-519-0723 asked Fernandez where his nephew was. Fernandez stated he was at home but had him a few days ago for an hour. When asked what he did, Fernandez responded "Fuck and feed him." As the conversation continued, the user of 575-519-0723 recommended an individual for the two of them to have a threesome with. The user of 575-519-0723 sent a photograph of the individual to Fernandez who stated "Lol I tricked him with the nephew," "Well he was asleep in the bed and I grabbed him and tried to put his dick in him," and "Yeah it's big and his head and like a inch of the shaft was in him" (Resized_Screenshot_20220504-102658_Chrome.jpg). The user of 575-519-0723 then stated "That other guy wants to have group action wit me u n ur nephew."
15. On February 16, 2023, Fernandez shared a video with the user of 575-519-0723, a 26 second video and depicting a boy between the ages of two and four naked on a round tiled table. Subject A was to the left of boy near the boy's head. Subject A had his pants around his knees. Subject A had his penis exposed and was masturbating with his right hand. Subject A had two silver bracelets on his wrist, one which appeared to be chain style bracelet with what appears to be a dolphin charm and the other appeared to be a solid beaded bracelet. Subject A was later believed to be Fernandez. Subject B was positioned between the legs of boy. Subject B was observed masturbating with his right hand and stimulating his penis with boy's penis. Towards the conclusion of the video, Fernandez ejaculates on the boy's side and left arm. (MOV_6710.mp4). Fernandez then sent a photograph of a young boy sitting in the passenger's seat of a vehicle, appearing to be sleeping. Fernandez sends a 13 second video depicting an adult male standing over a boy between the ages of one and three. The boy is laying on a table with his pants around his ankles wearing tennis shoes. The adult male has no shirt on and had his pants around his

ankles exposing his erect penis. The adult male is holding the boy's legs up and back with his left hand exposing the boy's anus and buttocks. The adult male is masturbating with his right hand. The adult male ejaculates on the boy's buttocks while hitting his penis against the boy's buttocks(-2012692318790898575.MP4).

16. An administrative subpoena was submitted to Verizon on or about June 6, 2024, in pursuit of subscriber information associated with telephone number 575-519-0723 for the time period that the user communicated with Fernandez. According to the records received from Verizon on or about June 6, 2024, this telephone number was and is still registered to Joshua J Finney (hereinafter also referred to a "FINNEY") and has been since May 31, 2012. The address listed on the records was 3614 Almondwood Drive Spring, Texas 77389.
17. On or about May 16, 2024, FINNEY's driver's license records were obtained. FINNEY's Texas driver's license indicated that his home address was 3225 Hurley Street Houston, Texas 77093. Additional law enforcement sensitive databases checks indicated on or about June 14, 2024 that FINNEY was the current owner of a Ford Mustang registered to the Almondwood Drive Spring, Texas 77389 with an expiration date of October 2024. Additionally, FINNEY was the current owner of a Ford F-150 registered to the Almondwood Drive Spring, Texas 77389. Both of the vehicles were previously registered to FINNEY at 3225 Hurley Street Houston, Texas 77093. This is a previous address that FINNEY had provided to Fernandez on March 12, 2022, indicating that FINNEY might have moved.
18. Your Affiant conducted surveillance on or about June 13, 2024 at the Almondwood Drive Spring, Texas 77389. Parked on the street in front of the residence was a 2023 silver Kia K5 Texas license plate SSV7504. Additionally parked in the driveway of the residence were three vehicles: a 2019 blue Ford Mustang Texas license plate SKW5986, a 2022 burgundy Ford F-150 Texas license plate RTY2680, and a 2024 black Toyota Highlander Texas license VCJ5675. Additionally, your Affiant conducted surveillance at the Almondwood Drive Spring, Texas 77389 on or about June 14, 2024 where the same Toyota Highlander and blue Mustang were observed parked in the driveway. Law enforcements databases show that the 2019 blue Ford Mustang Texas TX license plate SKW5986 and the 2022 burgundy Ford F-150 TX license plate RTY2680 are registered to FINNEY at the Almondwood Drive Spring, Texas 77389. Additionally, special agents of the FBI

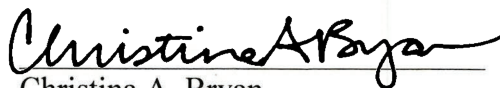
conducted surveillance on July 1, 2024 where an individual matching FINNEY's driver's license photo was seen entering and exiting the residence. Also, observed at the residence were the two vehicles registered to FINNEY, the blue Mustang and Ford F-150 described above. Additionally, FINNEY was seen entering the blue Mustang and driving away from the residence.

19. On July 16, 2024, a special agent of the FBI conducted surveillance at the Almondwood Drive Spring, Texas 77389 and observed FINNEY departing the residence in the burgundy Ford F-150.
20. On July 19, 2024, special agents of the FBI executed a federal search warrant at 3614 Almondwood Drive Spring, Texas 77389. During the execution of the search warrant agents were able to conduct a post-*Miranda* interview with FINNEY. During the interview, FINNEY admitted that he was the owner and user of telephone number 575-519-0723 and that has always been his phone number. FINNEY stated the telephone number belonged to a Samsung cell phone, which matched the type of device associated with phone number 575-519-0723 that was texting with Fernandez. FINNEY further stated that he has received child sexual abuse material in the past, but it was unsolicited and deleted. FINNEY also acknowledged knowing and communicating with Fernandez, but denied Fernandez ever sent him child sexual abuse material.
21. Based upon the information delineated above, I believe that probable cause exists for the issuance of a Criminal Complaint charging Joshua Jerome Finney with a violation of Title 18 U.S.C. § 2252A (a)(2)(B) - receipt of child pornography.



Rebecca Camara
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to telephonically on this 19th day of July 2024, and I find probable cause.



Christina A. Bryan
United States Magistrate Judge